

REMARKS

The continued allowance of claims 3, 8, 9 and 11 and allowability of claim 2 are acknowledged appreciatively.

The Office Action Summary acknowledges the communication of December 12, 2006, but not the Response of January 11, 2007, that already traversed the rejection of claims 4 and 5 under 35 USC 112, second paragraph, for "the feed channel" and "the supply pipe." Entry of the long prior claim changes is requested.

The rejection of claims 1, 7 and 12 under 35 USC 102 for anticipation by the cited Goodman patent is based on an assumption that the varied flow of supply air of Col. 9, lines 15-20, prevents clogging, as claimed, even though the patent makes no such assertion. Clogging is not mentioned in the patent and variation includes zero, i.e., clogged flow. Therefore, the rejection reflects learning from the teaching found only in the application, and such hindsight has long been and is still prohibited.

To imbue one of ordinary skill in the art with knowledge of ... [clog prevention] when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher. *S. L. Gore & Associates, Inc. v. Garlock, Inc.*, 220 USPQ 303, 312, 313 (Fed. Cir. 1983).

It has also been added before that, while the Goodman patent discloses intake air humidification, as claimed, it teaches away from second medium conveyance after supply of the first medium is interrupted, as also claimed. The Goodman patent discloses second medium flow together with and, in some embodiments, causing first medium flow, the second medium flow being responsive to engine related parameters as described at column 5, lines 6-16. These parameters are explained at column 7, lines 9 - 29, to conclude:

... the system is proportional in that as the engine demands for fuel increase and decrease, the concomitant injection of fluid into the intake air of the engine will likewise increase or decrease

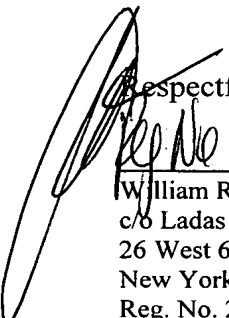
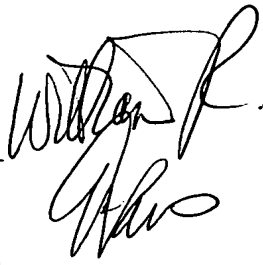
The Goodman patent teaches proportional flow, the claimed invention, successive.

**PRIOR ART MUST BE CONSIDERED IN ITS
ENTIRETY, INCLUDING DISCLOSURES THAT
TEACH AWAY FROM THE CLAIMS MPEP 21141.02 VI**
(emphasis original).

The failure of the Action to consider the Response of January 11, 2007, already noted above with reference to claims 4 and 5 suggests confirmation and not repetition to traverse their rejection under 35 US 102 for anticipation by the previously cited Bochet patent, and also their teaching away therefrom. Consideration of the prior Response is again requested.

Then, reconsideration and allowance of all the claims are, therefore, requested.

Respectfully submitted,

 
William R. Evans R. Evans
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 25858
Tel. No. (212) 708-1930